

OCT 07 2005

Utility Patent  
Ser. No. 09/767,413

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: C. Cassel	)	Date:	October 6, 2005
	)		
Serial No.: 09/767,413	)	Group Art Unit:	2632
	)		
Filed: 01/23/01	)	Examiner:	T. Pham
	)		
Title: Combination Breathing Monitor	)		
Alarm And Audio Baby Alarm	)		

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Mail Stop PETITIONS, Box 1450, Arlington, VA 22313 on 10-7-05 (date).

Typed or printed name of person signing this certificate

TERRY LAKOS

Signature

Terry Lakos

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TERRY LAKOS

Signature

Terry Lakos

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Petitions Examiner  
Office of the Assistant Commissioner for Patents  
Washington, D.C. 20231

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OCT 11 2005

Dear Sir:

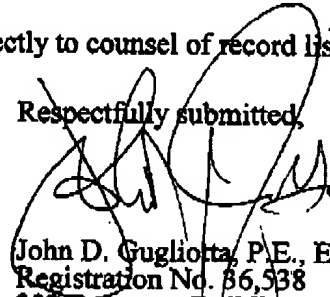
Applicant requests that the above referenced application, on petition dismissed on

Utility Patent  
Ser. No. 09/767,413

08/31/2004, applicant wishes to provide the enclosed completed copy of the previously filed petition.

Applicant wishes the previous petition be revived and granted, and that should additional input be required that a telephone call be given directly to counsel of record listed below.

Respectfully submitted,



John D. Gugliotta, P.E., Esq.  
Registration No. 86,538  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308  
330.253.5678

Enclosure: 4

OCT 07 2005

<b>Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)</b>	<b>Docket No.</b> 887
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In Re Application Of: Cynthia L. Cassel

<b>Application No.</b> 09/767,413	<b>Filing Date</b> 01/23/2001	<b>Examiner</b> Toan Pham	<b>Customer No.</b> 33055	<b>Group Art Unit</b> 2632	<b>Confirmation No.</b> 2467
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**Invention:** Combination Breathing Monitor Alarm and Audio Baby Alarm

Attention: Office of Petitions  
Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: \_\_\_\_\_

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

OCT 07 2005

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
887

In Re Application Of: Cynthia L. Cassel

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:        | <u>\$750.00</u>             |
| 8. <input type="checkbox"/> Fee for amendment in the amount of:                                   | <u>                    </u> |
| 9. <input type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>                    </u> |
| 10. <input type="checkbox"/> Issue fee in the amount of:  | <u>                    </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of:                  | <u>                    </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                            | <u>                    </u> |
| 13. <input type="checkbox"/> _____  | <u>                    </u> |
| Total fees enclosed:  | <u>\$750.00</u>             |

The fee of \$750 is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-2380
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

OCT 07 2005

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**
**Docket No.**  
887

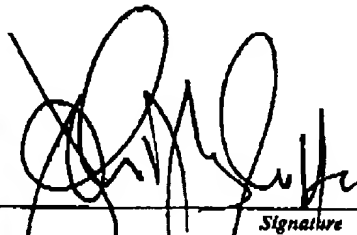
**In Re Application Of:**  
Cynthia L. Cassel

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

**Invention:** Combination Breathing Monitor Alarm and Audio Baby Alarm

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


*Signature*

John D. Gagliotta, Ph.D., Esq.  
Reg. No. 36,538  
137 S. Main St., Ste. 202  
Akron, OH 44308  
330-253-5678  
330-253-6658 (facsimile)

**Dated:** August 22, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)] on

August 22, 2005

*(Date)*
*Signature of Person Mailing Correspondence*
**Terry Lakos**
*Typed or Printed Name of Person Mailing Correspondence*

CC:

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**PATENT, COPYRIGHT & TRADEMARK**

**LAW GROUP, LLC**  
137 S. MAIN STREET, SUITE 202  
AKRON, OHIO 44308  
(330) 253-6678

WITH THIRD PARTY  
(NORTHWESTERN OHIO)  
CLEVELAND, OHIO  
8-27-1410

1184

8/22/2005

PAY TO THE  
ORDER OF

Commissioner of Patents & Trademarks

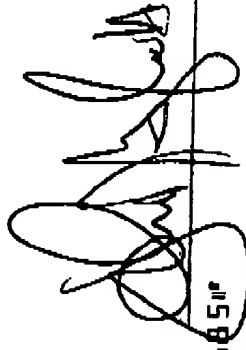
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Seven Hundred Fifty and 00/100\*\*\*\*\*

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Commissioner of Patents & Trademarks

PO Box 1450  
Alexandria, VA 22313



Petition to Unabandon Application: 09/767,413

MEMO

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